

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 15, 2012

HOUSE FILE 2410

H-8265

1 Amend House File 2410 as follows:
2 1. Page 27, after line 7 by inserting:
3 <Sec. _____. Section 461C.4, unnumbered paragraph 1,
4 Code 2011, is amended to read as follows:
5 Except as specifically recognized by or provided in
6 section 461C.6, a holder of land who either directly or
7 indirectly invites or permits without charge any person
8 to use such property for recreational purposes or urban
9 deer control, or a holder who participates in arranging
10 recreational activities for persons or in accompanying
11 persons on the holder's premises during participation
12 in recreational activities, does not thereby:>
13 2. Title page, line 3, after <resources,> by
14 inserting <the public use of private property for
15 recreational purposes,>
16 3. By renumbering as necessary.

By SWEENEY of Hardin

H-8265 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8263

1 Amend the amendment, H-8245, to House File 2214 as
2 follows:
3 1. Page 1, line 36, after <(2)> by inserting <A
4 city's ordinance authorizing the use of automated
5 traffic law enforcement systems shall provide that
6 a person charged with a violation shall have the
7 opportunity to view a video or other recorded images
8 evidencing the violation prior to the deadline for
9 filing an appeal.>

By ISENHART of Dubuque

H-8263 FILED MARCH 14, 2012

HOUSE FILE 2214

H-8266

1 Amend the amendment, H-8234, to House File 2214 as
2 follows:
3 1. Page 2, after line 27, by inserting:
4 <3A. A local authority's ordinance authorizing the
5 use of automated traffic law enforcement systems shall
6 provide that a person charged with a violation shall
7 have the opportunity to view a video or other recorded
8 images evidencing the violation prior to the deadline
9 for filing an appeal.>

By ISENHART of Dubuque

H-8266 FILED MARCH 14, 2012

HOUSE FILE 2435

H-8267

1 Amend House File 2435 as follows:
2 1. Page 14, after line 32 by inserting:
3 <0d. Of the funds appropriated in this subsection,
4 not more than \$1,000 may be allocated to the university
5 of Iowa, which in consultation with the department
6 of public health, shall review and report to the
7 governor and the general assembly no later than
8 November 1, 2012, on the feasibility of manufacturing
9 essential generic pharmaceuticals at the United States
10 food and drug administration-approved manufacturing
11 facility located at the university, if one or more
12 pharmaceuticals are found to be periodically or
13 consistently unavailable to health care providers in
14 the state for prescription or direct administration,
15 thereby endangering public health or patient safety.
16 The report shall include recommendations regarding
17 any policies, legislation, or resources necessary to
18 permit such manufacturing if the review finds such
19 manufacturing to be necessary and feasible.>
20 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8267 FILED MARCH 14, 2012

SENATE FILE 2216

H-8268

1 Amend Senate File 2216, as passed by the Senate, as
2 follows:
3 1. Page 8, after line 17 by inserting:
4 <Sec. _____. NEW SECTION. 321.383A Construction
5 equipment ---- highway operation.
6 Rubber-tired or rubber-tracked, self-propelled
7 construction equipment which is not exclusively used in
8 agricultural operations may be operated on a highway
9 in accordance with the provisions of this chapter and
10 rules adopted pursuant to this chapter which apply
11 to the operation of self-propelled implements of
12 husbandry, except those provisions relating to driver's
13 licensing requirements.>
14 2. Title page, line 1, after <to> by inserting <the
15 operation of certain equipment on highways, providing
16 for>
17 3. By renumbering as necessary.

By IVERSON of Wright

H-8268 FILED MARCH 14, 2012

SENATE FILE 2311

H-8269

1 Amend Senate File 2311, as passed by the Senate, as
2 follows:

3 1. Page 54, after line 17 by inserting:

4 <DIVISION _____
5 HOLDERS OF LAND

6 Sec. _____. Section 461C.4, Code 2011, is amended to
7 read as follows:

8 461C.4 Users not invitees or licensees.

9 1. Except as specifically recognized by or provided
10 in section 461C.6, a holder of land who either directly
11 or indirectly invites or permits without charge any
12 person to use such property for recreational purposes
13 or urban deer control does not thereby do any of the
14 following:

15 ~~1-~~ a. Extend any assurance that the premises are
16 safe for any purpose.

17 ~~2-~~ b. Confer upon such person the legal status
18 of an invitee or licensee to whom the duty of care is
19 owed.

20 ~~3-~~ c. Assume responsibility for or incur liability
21 for any injury to person or property caused by an act
22 or omission of such persons.

23 2. Subsection 1 applies regardless of whether the
24 holder of land participates or does not participate in
25 arranging a recreational activity on the holder's land
26 or whether the holder of land accompanies or does not
27 accompany a person on the holder's land.>

28 2. Title page, line 9, after <measures> by
29 inserting <providing for the rights of land holders,>

30 3. By renumbering as necessary.

By SWEENEY of Hardin

H-8269 FILED MARCH 14, 2012

SENATE FILE 2313

H-8264

1 Amend the amendment, H-8223, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 14, after line 10 by inserting:

5 <Sec. _____. 2011 Iowa Acts, chapter 127, section 85,
6 is amended to read as follows:

7 SEC. 85. SECRETARY OF STATE FILING FEES REFUND.

8 Notwithstanding the obligation to collect fees pursuant
9 to the provisions of section 489.117, subsection 1,
10 paragraphs "a" and "o", section 490.122, subsection
11 1, paragraphs "a" and "s", and section 504.113,
12 subsection 1, paragraphs "a", "c", "d", "j", "k", "l",
13 and "m", for the fiscal year beginning July 1, 2012,
14 the secretary of state may refund these fees to the
15 filer pursuant to rules established by the secretary of
16 state. The decision of the secretary of state not to
17 issue a refund under rules established by the secretary
18 of state is final and not subject to review pursuant
19 to chapter 17A.>

20 2. By renumbering as necessary.

By WATTS of Dallas

H-8264 FILED MARCH 14, 2012

Fiscal Note

Fiscal Services Division



SF 2315 – Adult Mental Health and Disability Services System Redesign (LSB 5488SV.1)
Analyst: Jess Benson (Phone: 515-281-4611) (jess.benson@legis.state.ia.us)
Fiscal Note Version – As passed by the Senate

Description

Senate File 2315 implements recommendations made by the Mental Health and Disability Services Study Committee and **Senate File 525** (FY 2012 Adult Disability Services System Redesign Act) which set out a framework for redesign.

Division I – Specifies core services and service management requirements applicable to a regional service system and addresses responsibilities of the Department of Human Services (DHS) and the Mental Health and Disability Services (MH/DS) Commission relating to core services. Some of the major changes include:

- Requires the DHS to plan, collect, and analyze data as necessary to issue cost estimates for serving additional populations and providing core disability services statewide.
- Requires the DHS to cover core service domains under Medicaid to the greatest extent allowable under federal regulations. This provision is subject to available appropriations.
- Requires the State Mental Health Institutes to address the needs of individuals with co-occurring conditions.
- Requires financial information submitted to the State by a county to segregate expenditures for purchase of service, administration, and enterprise costs.
- Requires counties to begin using a standardized functional assessment to determine services.
- Sets income guidelines for services at 150.0% of the federal poverty level (FPL) with no copay, a copay or sliding fee scale for persons with incomes that exceed 150.0% of the FPL.
- Specifies a set of new core service domains for Mental Health and Intellectual Disabilities not covered under the Medicaid Program and adds a new set of services (core plus) that may be provided when funding becomes available.
- Specifies legislative intent to cover Brain Injury and Developmental Disabilities when funding becomes available.
- Regions are responsible for funding non-Medicaid expenditures, with the State providing for growth in non-Medicaid expenditures.

Division II – Establishes a Mental Health and Disability Services Workforce Development Workgroup to be convened by the DHS. The Workgroup is to address issues connected with assuring there is adequate workforce to provide MH/DS in the State. This Division requires the DHS to establish an Outcomes and Performance Measures Committee for the regional service system. The Committee is to provide recommendations regarding outcomes and performance measures that are consistent across the MH/DS population and review data requirements that could be eliminated or revised due to low relevance to outcomes. The Division also requires the DHS, the Department of Inspections and Appeals, and the Department of Public Health to work together to review and improve regulatory requirements applied to MH/DS administration and providers.

Division III – Amends provisions relating to Community Mental Health Centers and allows Community Mental Health Centers to meet the standards of the Joint Commission on Accreditation of Health Care Organizations or other national standards for evaluation of a psychiatric facility. They are currently required to meet both.

Division IV – Creates a regional structure for the MH/DS system. The regional structure will be based on a 28E agreement between the counties in the region. A 28E agreement is an agreement between two or more political subdivisions that allows the parties to take on an activity jointly. Some of the major decisions that will be included in the agreement are as follows:

- Regional governance structure.
- Regional finances.
- Regional governance agreements.

Division IV also eliminates county of legal settlement and implements county of residence.

Division IV also lays out a timeline for the process of counties joining into regions. The timeline is as follows:

Milestones	Date
Regions begin to form	January 2012
DHS ensures all counties are part of a region	April 1, 2012
All regions are formed and begin to organize	July 1, 2013
Regions meet the formation criteria	December 31, 2013
Regions meet the implementation criteria	June 30, 2015

Division V – Creates a new facility licensure chapter for a subacute level of care for persons with serious and persistent mental illness. The new chapter defines terms of care, licensure requirements, and sets the daily rate for this level of care at the direct care Medicare-certified hospital-based nursing facility patient-day-weighted median. In addition, the DHS is required to conduct a feasibility study and cost analysis of providing subacute care at one or more of the State MHIs or the Veterans Home.

Division VI – Amends the definition of Brain Injury and provides conforming amendments to change references to county of legal settlement to county of residence.

Assumptions

The General Assembly has yet to decide if and when the State will assume the cost of Medicaid Services currently paid for by the Counties as recommended by the report to the Mental Health and Disability Services Study Committee. They have also not determined any funding beyond status quo State funding levels from FY 2012 to FY 2013 for MH/DS services. Funding for the system includes:

- Counties are limited to the current maximum Mental Health Property Tax Levy of \$125.8 million for FY 2013, plus any additional growth provided by the State. In FY 2012, counties levied \$118.3 million. [Senate File 209](#) (Tax Changes and Supplemental Appropriations Act) repealed the Mental Health Property Tax Levy effective July 1, 2013, and the General Assembly will determine if all or part of the levy is reinstated or whether to replace those dollars with State funds.

- The State has appropriated \$190.9 million for FY 2013 in [HF 649](#) (FY 2012 Health and Humans Services Appropriations Act) and [SF 2071](#) (FY 2012 Supplemental Appropriations Act). This includes:
 - \$74.7 million in Allowed Growth
 - \$88.4 million in Property Tax Relief
 - \$14.2 million in Community Services
 - \$1.2 million in Palo Property Tax Relief
 - \$12.4 million for the Mental Health State Cases Program (status quo funding restored)
- An additional \$12.4 million is provided through the Social Services Block Grant.
- County Medicaid expenditures for FY 2013 are projected at \$231.0 million and, because Medicaid is an entitlement program, either the county or the State will be required to fund these services.
- County non-Medicaid expenditures are projected at \$141.8 million for FY 2012.
- Counties are projected to have ending fund balances of \$19.2 million. These fund balances are not spread equally among counties. Of the 99 counties, 26 are projected to have a negative ending fund balance.
- Most, if not all, core service domains are covered in some form in each county today, so it is not assumed there would need to be significant service expansion to meet minimum core service domain requirements.
- County of Legal Settlement will be eliminated and replaced with county of residence.
- The DHS will need an additional 4.0 FTEs to provide technical assistance to assist in the formation of regions, manage contracts with the regions, develop and manage data systems and to staff workgroups.

Overall Fiscal Impact

The overall fiscal impact for this Bill cannot be determined because there are not enough details on the number of regions, what each region's chapter 28E agreement will require between the counties involved, and the specific services within each service domain they will provide. Many of these decisions will be left to counties to negotiate as part of their chapter 28E agreement.

At the current service level, total Medicaid and non-Medicaid expenditures for counties are estimated to be \$372.9 million in FY 2013. Total revenues available to counties for FY 2013 are estimated to be \$321.5 million; this includes \$303.3 million from the General Fund and Social Services Block Grant and status quo funding from the counties of \$118.3 million. This leaves counties \$51.5 million short of providing a status quo level of services. Counties are also projected to have \$19.2 million in ending fund balances that will help offset the \$51.4 million need, but only if those ending fund balances are in counties that experience shortfalls. Without additional appropriations, it is likely that there will be significant reductions and waiting lists for non-Medicaid services. Estimated revenues and expenditures are summarized in the table below:

Estimated Revenues	FY 2013
County Property Tax Dollars	\$ 118,301,338
Energy Replacement (Tax Palo)	1,167,465
Property Tax Relief	88,400,000
Allowed Growth	74,697,893
Community Services	14,187,556
SSBG Local Purchase	12,381,763
State Payment Program	12,369,482
Total Revenues	\$ 321,505,497
Estimate Expenditures	
County Medicaid Services	\$ 231,038,178
County Non-Medicaid Services	141,822,827
Total Expenditures	\$ 372,861,005
Potential Shortfall*	\$ (51,355,508)
*Counties are anticipated to have \$19.2 million in ending fund balances which may help offset the shortfall.	

A summary of potential fiscal impacts by category is provided below.

Fiscal Impact Additional DHS Costs

It is assumed that the DHS will need additional staff to provide technical assistance to counties in creating regions, for the management of regional contracts, and for additional data and workgroup requirements in the Bill. The cost of 4.0 additional FTE positions for the DHS (2 Program Planner 3s, and 2 Management Analysts 3s) plus support costs are estimated to cost the General Fund \$347,800 in FY 2013 and \$367,082 in FY 2014.

Fiscal Impact Core Services

Although most counties currently provide core services under each service domain listed in the Bill, it is likely that when regionalizing some counties will either have to add or eliminate services so that a standard set of services are provided across each region. In addition to the core service domains, there is an additional section of core-plus services that may be provided as the State provides additional funding.

Fiscal Impact Creation of Regions

With the creation of regions in the future, it is anticipated that there will be some savings due to more efficient management, economies of scale, and with counties able to spread the risk of covering more individuals. However, it is anticipated that those savings will be used to fund core or core-plus services within the region.

Fiscal Impact County of Legal Settlement

With the change for counties to fund services for individuals based on county of residence instead of county of legal settlement, it is anticipated that there will be additional costs to some counties and savings for others now that individuals will be funded based on where they intend to live and not where they had previously established residency. Most counties should see some savings from this change because the current county of legal settlement process is very administratively burdensome.

Fiscal Impact Subacute Level of Care

Division V of this Bill creates a new facility licensure chapter for a subacute level of care. Reimbursement for these facilities is required to be set at the direct care Medicare-certified hospital-based nursing facility patient-day-weighted median, currently \$447 per day. Although there is a certificate of need process, it is difficult to estimate the number of beds or the level of utilization. The Bill does not limit the number of beds, and existing Intermediate Care Facility for Persons with Mental Illness beds are grandfathered in. It is assumed that the majority of these beds will not be eligible for Medicaid match. If there were 50 subacute beds in the State filled to capacity for 365 days, at a cost of \$447 per day, it would cost the State \$8.2 million annually. However, this Bill puts the subacute level of care into the section of services that may be provided when funds are made available. So counties would not be required to fund these beds. It is also likely that subacute services could save the State, counties, and private not-for-profit hospitals money because individuals may be moved from a less costly and less restrictive level of care, such as a psychiatric bed at a hospital or MHI, or out of the custody of a county sheriff.

Conclusion

Due to the fact that this Bill will result in counties negotiating many of the decisions through 28E agreements and many of the services are contingent on funding provided by the State, a division by division summary of the estimated fiscal impact cannot be made at this time.

Sources

Department of Human Services
LSA Analysis

/s/ Holly M. Lyons

March 14, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Iowa Code [section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2442 – Hunting and Angling, Combination Licenses (LSB 5226HZ)
Analyst: Adam Broich (Phone: 515-281-8223) (adam.broich@legis.state.ia.us)
Fiscal Note Version – As passed by House Ways and Means Committee

Description

House File 2442 amends Iowa Code to allow the purchase of new hunting and fishing license options. Changes to licensing and fee options:

- The Bill provisions are effective January 1, 2013. The Department of Natural Resources (DNR) will require time to update Electronic Licensing System of Iowa (ELSI), and draft new administrative rules. There will be no new revenue the first half of FY 2013.
- Leaves existing resident and nonresident licensing options intact.
- Creates a three-year fishing license.
- Allows for an additional third fishing line with the purchase of a third line permit.
- Creates a one-day fur dealer license costing \$250.
- Creates a three-year hunting license, including Wildlife Habitat Fee.
- Creates an annual combination hunting and fishing license, including Wildlife Habitat Fee.
- Provides the option to include the Wildlife Habitat Fee with the purchase of resident hunting and fur-trapping licenses.

Background

In 2011, the DNR hired Southwick Associates to conduct a survey of 5,000 recent license buyers to determine the interest level in different license opportunities. The survey indicated a high level of interest in different license options. The DNR offered combination licenses in the past, but this option ended with the creation of ELSI. New licensing options will result in a revenue increase for the Department, and will be allocated to the Fish and Game Trust Fund.

Assumptions

- Estimates are based on a survey of 5,000 recent fishing and hunting license purchasers. Revenue estimates assume maximum demand for new licensing options.
- New licensing options result in cost savings to hunters and anglers. This estimate assumes cost savings will lead directly to more license sales. Three-year licenses save anglers \$4 in administrative fees, a hunter will save \$10.
- There is no data indicating interest in combination licenses. Therefore, no revenue increase is assumed from offering combination licenses.
- There is no data indicating interest in one-day fur dealer licenses. Therefore, no revenue increase or decrease is assumed from offering one-day fur dealer licenses.
- Federal matching funds are not included in estimates. Federal aid is not allocated on a stable per license basis. Aid allocation derives from a formula that considers license sales, land management, excise tax revenue, and other factors. An increase in federal aid to Iowa cannot be estimated. However, new license options will result in more federal aid than continuing the status quo.
- Three-year licensing options will save hunters and anglers \$490,000 on writing and administrative fees over three years.

Revenue to the Department will increase by an estimated \$525,000 in FY 2013 and \$1.1 million in FY 2014. Administrative costs will decrease by an estimated \$28,000 in FY 2013 compared to FY 2011. Costs will decrease by \$55,000 in FY 2014 and 2015. Reprograming the online licensing system will cost \$10,000, with approximately \$1,000 going toward salaries.

Estimated Impact to the Fish and Game Trust Fund			
Description	FY 2013	FY 2014	FY2015
Revenue:			
3-Year Hunting	\$ 85,000	\$ 169,000	\$ 169,000
3-Year Fishing	215,000	430,000	430,000
Combination License	0	0	0
Third Fishing Line	225,000	451,000	451,000
Total Revenue	\$ 525,000	\$ 1,050,000	\$ 1,050,000
Expenditure:			
Salaries	\$ 1,000	\$ 0	\$ 0
Administrative	-28,000	-55,000	-55,000
Programming	10,000	0	0
Total Expenditures	-17,000	-55,000	-55,000
Net Increase	\$ 542,000	\$ 1,105,000	\$ 1,105,000

Fiscal Impact

There is no fiscal impact to the General Fund.

The net impact to the Fish and Game Trust Fund will be an estimated net increase of \$542,000 in FY 2013 and \$1.1 million each year after. Estimates are an average of expected revenue and expenditure for three years. Depending on the year, the majority of hunters or anglers purchase a three-year license, revenue and expenditures could fluctuate annually.

Sources

Department of Natural Resources
Legislative Services Agency analysis

/s/ Holly M. Lyons

March 14, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2307 – Juvenile Delinquency Records, Sealing (LSB 2489SV)
Analyst: Aaron Todd (Phone: 515-281-6764) (aaron.todd@legis.state.ia.us)
Fiscal Note Version – As Passed by the Senate

Description

[Senate File 2307](#) changes the way the Judicial Branch handles the sealing of juvenile records by requiring the Court, on its own motion, to schedule a hearing two years after the date of the last official action in a juvenile delinquency case, or after the child becomes 18 years of age, whichever is later. If there is no objection from the county attorney, the delinquency records are to be sealed if the juvenile has not committed any subsequent criminal violations greater than a simple misdemeanor and the juvenile has successfully completed any youthful offender placement.

The Bill also accelerates the removal of juvenile records stored within the computer data storage system of the Department of Public Safety (DPS). Unless there is an outstanding arrest warrant or detainer, the DPS is to remove records relating to a juvenile arrest, or the taking of a juvenile into custody, if no disposition data has been recorded within two years. Currently, records are removed after four years.

Background

- In FY 2011, there were 5,800 juvenile delinquency petitions (cases) filed.
- In FY 2011, there were 22,000 “informally” resolved or disposed cases through Juvenile Court Services involving allegations of delinquent acts prior to the filing of an official juvenile delinquency petition by a county attorney.
- The Iowa Court Information System (ICIS) began in 1991 and was phased in throughout the State by 1998.
- Iowa Code section [232.150](#) states a person that was taken into custody for a juvenile delinquent act and was the subject of a complaint alleging juvenile delinquency, or was the subject of a juvenile delinquency petition, can request that juvenile records be sealed if the Court finds that the person has not committed any subsequent criminal violations greater than a simple misdemeanor, has successfully completed any youthful offender placement, is at least 18 years of age, and two years have lapsed since the last official action in the person’s case.
- Current law also allows the Court to schedule a hearing and order the sealing of juvenile records on its own motion.

Assumptions

- The Bill takes effect July 1, 2012.
- If the Bill were applied retroactively, the costs would increase significantly.
- Approximately two-thirds of the cases will be found eligible for expungement because the juveniles committed no subsequent crimes that would disqualify them.
- County attorneys will object to 5.0% of the eligible cases, requiring a hearing. Objections are expected to be sustained in 72.0% of the cases. Depending on whether the Bill applies

to informal as well as formal, the number of cases eligible for expungement after an objection range from 53 to 259.

- The Judicial Branch estimates one-time programming costs of \$4,000.
- The DPS will update software queries to pull the necessary criminal history files and will provide those files to the Judicial Branch for review at minimal cost. County Sheriff offices may conduct the criminal history searches for future hearings.
- Court costs will average \$53 per case.

Fiscal Impact

The fiscal impact for sealing juvenile records beginning July 1, 2012, is estimated to range between \$184,000 (if only formal records are sealed) and \$1.0 million annually (if informal records are also included). If the requirement is applied retroactively, the cost could range up to \$4.2 million, in addition to the annual costs.

Sources

Judicial Branch
Department of Public Safety

/s/ Holly M. Lyons

March 14, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
